

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: L. S. Channavajjala
NURHAN PINAR TUTUNCU ET AL.)	
	:	TC/Art Unit: 1611
Application No.: 09/825,992)	
	:	Confirmation No.: 3697
Filed: April 5, 2001)	
	:	
For: CONFECTIONERY PRODUCT)	
HAVING A SALIVATION REGION AND	:	
AN ORAL COMFORMT REGION)	August 5, 2010

Mail Stop: 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicant requests a refund of \$320.00 and \$500.00 for appeal fees paid on August 7, 2007 and November 17, 2008, respectively, in connection with the above-identified application. It is requested that the refund be applied as a credit to Deposit Account 50-3939. The reason for the requested refund follows.

Applicants filed the first Notice of Appeal in this case on January 3, 2003, and paid the fee of \$320.00 at that time. On August 7, 2007, Applicants filed a second Notice of Appeal and paid a fee of \$500.00. On November 17, 2008, Applicants filed a third Notice of Appeal and paid a fee of \$540.00. Pursuant to MPEP § 1204.01, however,

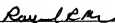
the fee for a Notice of Appeal is paid only once unless a final decision is granted by the Board of Appeals. Thus, the additional fees paid on August 7, 2007 and November 17, 2008, are overpayments, in excess of the amount required to make up for the increase in the appeal fee in the intervening period.

As evidence of the overpayments, please see the attached copy of the first Notice of Appeal, on which the appeal fee paid is shown on the bottom of the first page (this was before electronic filing). See also the attached second Notice of Appeal, and the corresponding Electronic Patent Application Fee Transmittal. Note that a fee of \$500.00 was charged, although the amount due for the appeal fee was the \$180.00, the difference between the appeal fee originally paid and the amount of the fee when the second Notice of Appeal was filed, an overpayment of \$320.00. Finally, see also the third Notice of Appeal, and a corresponding Electronic Patent Application Fee Transmittal. Note that a fee of \$540.00 was charged, although the amount due for the appeal fee at that time was \$40.00, an overpayment of \$500.00.

Accordingly, Applicants hereby request a refund of the \$320.00 and \$500.00 overpayments, and authorizes the Commissioner to credit Deposit Account No. 50-3939 in the amount of \$820.00 to resolve this matter.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our address given below.

Respectfully submitted,



Raymond R. Mandra
Attorney for Applicants
Registration No. 34,382

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

FCHS_WS 5378842_1.DOC



Docket No. 02280.002660

Date: January 2, 2003

PETITION FOR EXTENSION OF TIME AND
NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: NURHAN PINAR TÛTÛNCÛ ET AL.

Application No.: 09/825,992

For: A CONFECTIONERY PRODUCT HAVING A SALIVATION
REGION AND AN ORAL COMFORT REGION

Filed: April 5, 2001

Group Art Unit: 1616

Commissioner for Patents
Box AF
Washington, D.C. 20231

Sir:

Applicants' hereby appeal to the Board of Patent Appeals and Interferences from the
decision dated July 3, 2002 of the Primary Examiner finally rejecting Claims 1-21.

The items checked below are appropriate.

- ☒ Applicants petitioned the Commissioner for Patents to extend the time for responding to the Office Action dated July 3, 2002, by three months, to January 3, 2003 in the Amendment After Final and Petition for Extension of Time submitted December 24, 2002.
- ☐ A Petition for an additional ____ month extension of time to take further action, together with the \$ ____ extension fee under 37 C.F.R. §1.17, was filed on ____.

01/06/2003 SFELEKE1 00000052 09825992

01 FC:1401

320.00 DP

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3. ☒ Fee \$320.00

☐ Fee \$150.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)

☒ Enclosed

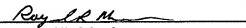
☐ Not required (fee paid in prior appeal)

☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. ☒ Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to the address given below.

Respectfully submitted,


Raymond R. Mandra
Attorney for Applicants

Registration No. 34,382

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Nurhan P. Tutuncu et al.

Application No.: 09/825,992

For: CONFECTIONERY PRODUCT HAVING A
SALIVATION REGION AND AN ORAL
COMFORT REGION

Filed: April 5, 2001

Group Art Unit: 1616

Confirmation No. 3697

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated February 8, 2007 of the Primary Examiner finally rejecting claims 1-5, 7-8, 10-11, 13-21, 23-24, and 28.


The item(s) checked below are appropriate.

1. ☒ A Petition for a three (3) month extension of time to respond to the final rejection, together with the \$1020.00 extension fee under 37 C.F.R. §1.17, is submitted herewith.
2. ☐ A Petition for an additional _____ month extension of time to take further action, together with the \$_____ extension fee under 37 C.F.R. §1.17, was filed on _____.
3. ☒ Fee \$500.00
☐ Fee \$250.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
☒ Enclosed
☐ Not required (fee paid in prior appeal)

☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.
5. ☒ Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants
Raymond R. Mandra
Registration No. 34,382

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

Electronic Patent Application Fee Transmittal

Application Number:	09825992			
Filing Date:	05-Apr-2001			
Title of Invention:	Confectionery product having a salivation region and an oral comfort region			
First Named Inventor/Applicant Name:	Nurhan Pinar Tutuncu			
Filer:	Brendan S. Mee/Vasilliki Demetriou			
Attorney Docket Number:	2280.2660			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	1401	1	500	500
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	1253	1	1020	1020
Miscellaneous:				
Total in USD (\$)				1520

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Nurhan Pinar Tutuncu

Application No.: 09/825,992

For: CONFECTIONARY PRODUCT HAVING A SALIVATION REGION
AND AN ORAL COMFORT REGION

Filed: April 5, 2001

Group Art Unit: 1611

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated July 17, 2008 of the Primary Examiner finally rejecting claims 1-5, 7, 8, 10, 11, 13-21, 23, 24 and 28-32.

The item(s) checked below are appropriate.

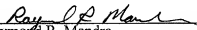
1. ☒ A Petition for a one-month extension of time to respond to the final rejection, together with the \$130.00 extension fee under 37 C.F.R. §1.17, is submitted herewith.
2. ☐ A Petition for an additional _____ month extension of time to take further action, together with the \$_____ extension fee under 37 C.F.R. §1.17, was filed on _____.
3. ☒ Fee \$540.00
☐ Fee \$270.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
☐ Enclosed
☒ Not required (fee paid in prior appeal)

☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. ☒ Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Raymond R. Mandra
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Registration No.: 34,382

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30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

Electronic Patent Application Fee Transmittal

Application Number:	09825992			
Filing Date:	05-Apr-2001			
Title of Invention:	Confectionery product having a salivation region and an oral comfort region			
First Named Inventor/Applicant Name:	Nurhan Pinar Tutuncu			
Filer:	Brendan S. Mee/Maria Miglio			
Attorney Docket Number:	02280.002660.			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Filing a brief in support of an appeal	1402	1	540	540
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				540

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 12/09/2008

SLITTLE	SALE	#00000001	Mailroom Dt:	11/17/2008	061205	09825992
		01	FC : 1401		540.00	DA